

**MINUTES OF A REGULAR MEETING  
OF THE  
BOARD OF TRUSTEES  
OF THE  
TOWN OF BUENA VISTA, COLORADO  
APRIL 27, 2010**

**CALL TO ORDER**

A Regular meeting of the Board of Trustees was called to order at 7:01 PM on Tuesday, April 27, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Trustee Baker. Present were Trustees Duff Lacy, Jerry Steinauer, Norm Nyberg, Carrie Carey, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Police Chief Jimmy Tidwell, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustee Flint was absent.

**ROLL CALL**

Town Clerk Spomer proceeded with the roll call and declared a quorum.

**APPOINTMENT OF MEETING CHAIR**

**Motion #** by Trustee Steinauer, seconded by Trustee Nyberg, to appoint Keith Baker as the Meeting Chair. Motion carried.

**PLEDGE OF ALLEGIANCE**

Trustee Baker led in the Pledge of Allegiance.

**AGENDA ADOPTION**

Trustee Lacy requested Item D under Consent Agenda be removed and added to the next meeting agenda to review and discuss drawings for the cobble stone paving and maintenance; Duff requested inserting "Discussion of Blue Hole Aviation" under C of New Business and renumber all the other items.

Trustee Steinauer questioned the need for the Ordinance on the moratorium under Old Business. The item will remain on the agenda as outlined.

Trustee Nyberg requested a separate resolution for the appointment of Town Officers with separate motions. Discussion followed on renumbering resolutions: #52A, B, C, D, E.

**Motion #1** by Trustee Lacy, seconded by Trustee Nyberg, to adopt the agenda as amended. Motion carried.

**CONSENT AGENDA**

- A. Minutes**
  - 1. Regular Meeting – April 13, 2010
- B. Advisory Board Minutes**
  - 1. Planning & Zoning Commission
  - 2. Airport Board
  - 3. Recreation Advisory Board
- C.** Should the Board approve adoption of Resolution #48, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND APPROVING A LEASE AGREEMENT FOR THE ST. ROSE OF LIMA PARK CHAPEL WITH THE CHAMBER OF COMMERCE**"?
- D.** Should the board approve adoption of Resolution #50, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA,**

**COLORADO, APPOINTING WILLIAM YINGER AS A VOTING MEMBER OF THE PLANNING AND ZONING COMMISSION“?**

- E. Should the Board approve adoption of Resolution #51, Series 2010, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE EXECUTION OF AN AGREEMENT FOR PURCHASE OF POWER FROM SANGRE DE CRISTO ELECTRIC ASSOCIATION FOR INSTALLATION OF UNDERGROUND ELECTRIC SERVICE AT MCPHELEMY PARK”?**
- F. **Street Closure Request**
1. Should the Board approve a request to close S. Colorado Avenue from E. Main to the alleyway on May 28-30, 2010, from 8AM-6PM each day for the Annual Paddle Fest?
  2. Should the Board approve a request to close E. Main Street on July 3, 2010, from 6 AM-10 PM for the Annual Arkansas Valley Car Show and Dance?

**Motion #2** by Trustee Lacy, seconded by Trustee Carey, to approve the Consent Agenda as presented. Motion carried.

**PUBLIC COMMENT**

Gordon Lacy, 100 River Run Drive, read his letter to the Chaffee Times into the record regarding the Buena Vista Airport and staffing concerns and provided a copy to the Town Clerk.

Lee Lechner, Tom Moore, Cal Anderson, Bob Johnson and Nick Dryzmala held their comments for the airport discussion.

Dave Randall gave his time to Bob Johnson. Bob Freed held comments for Item K of New Business,

**RESPONSE TO PUBLIC COMMENT**

Trustee Baker thanked Mr. Lacy for his remarks, noted Council will take his comments under advisement during the discussion of Blue Hold Aviation and the Airport Manager's report.

**OLD BUSINESS**

**CONTINUATION OF PUBLIC HEARING – TO CONSIDER AN ORDINANCE ON REGULATING MEDICAL MARIJUANA DISPENSARIES IN THE TOWN OF BUENA VISTA.**

Town Attorney Jeff Parker noted this ordinance was based on revisions from Council from the last meeting; page 79 shows dispensaries are only allowed in B1, B2, B1 OT, I1 overlay and PUD districts; they cannot be within 500 ft. of schools, licensed day care facilities or another dispensary. The exterior lighting was added on page 79 (d) (3); page 80 requires metal bars over windows. Page 79 item (c) added language “...to allow a reasonably unobstructed view into the interior...”.

Discussion held on adding “building openings...” at all times” at the end of section (c) . Section 6-57 and 6-58 where the Board will be making the final decision; 6-57(a) language was added for a posting requirement of no less than 10 days; licensing schemes and House Bill 1284 will apply and supersede the Town requirements; page 78 items C & D both say “a lighting plan” (eliminate the language in item D).

Trustee Baker opened the public comment portion of the hearing at 7:28 PM.

- Should the Board approve adoption of Ordinance #11, 2010, entitled “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ADDING A NEW ARTICLE IV TO CHAPTER 6 OF THE BUENA VISTA MUNICIPAL CODE REGULATING MEDICAL MARIJUANA DISPENSARIES”?**

Clarice Baste, 29383 CR 358, yielded her time to Daniel Hamme.

Daniel Hamme, 29383 CR 358, thanked Council for the time and effort that has been put into the ordinance and expressed his appreciation for the process; felt we have the tools to put together an ordinance that will work for Buena Vista; met with the Police Chief and understands what needs to happen to make things work effectively; gave a brief background on himself, was pre-med for three years, wants to help people, had a lot of turmoil losing family members and several were cancer victims; gave an example of an individual in Chaffee County who has severe headaches and got marijuana illegally and reduced headaches and now has a medical marijuana card; noted different strains of marijuana for different needs. Daniel expressed that Council has the ability to help those individuals who need help by allowing a dispensary; asked for a "clean way" for these individuals to address their medical conditions and made himself available in finding a feasible solution for the Town that works for everyone.

With no other comments received, Trustee Baker closed the comment portion of the hearing at 7:37 PM.

Discussion followed on all dispensary employees should be fingerprinted with a background check will be added; tabling until such a time as the Police Chief and Jeff Parker can work through some issues; Chief Tidwell and Daniel talked about "debilitating" and some doctors issuing marijuana cards where the condition is not debilitating; we will know about HB 1284 by mid May; Town could extend a moratorium until July 2011 if the House Bill is passed.

**Motion #3** by Trustee Steinauer, seconded by Trustee Nyberg, to table Ordinance #11 until we need it to regulate Marijuana Dispensaries and staff may continue to make changes as necessary until it is adopted or until we bring it back to the table. Discussion held on we have waited a long time and have to adapt to it and change; we are restricting a quality of life for some individuals; waiting until the State passes legislature. Trustees Lacy and Carey voted against. Motion carried. This will be on the May 25 agenda.

Should the Board approve adoption of Ordinance #12, Series 2010, entitled "**AN EMERGENCY ORDINANCE EXTENDING THE TOWN'S TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF BUENA VISTA PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT DISTRIBUTES MEDICAL MARIJUANA**"?

Trustee Steinauer expressed that rather than doing an ordinance every 90 days it would be easier to add the language "it can be brought up anytime by Council". Jeff Parker noted most case law says the moratorium should be for a "reasonably short time to allow you to do the work you need to do" and that is why we do moratoriums for 90 days; noted he would be more comfortable doing one for a year if legislature passes; this ordinance will extend the moratorium through August. Discussion held on having a clause added that you can extend the moratorium to extend if needed rather than draft a new ordinance for a moratorium.

**Motion #4** by Trustee Steinauer, seconded by Trustee Lacy, to approve Ordinance #12, Series 2010. Motion carried.

**CONTINUATION OF PUBLIC HEARING – to consider a request for a Special Use Permit to allow a tourist accommodation in a private residence inclusive of a Bed & Breakfast, Milly Austin applicant**

Town Planner Haydin mistakenly notified Milly that the Hearing was tomorrow but she is present tonight and gave an overview of the request for a Special Use to allow a Bed & Breakfast at 344 Waters Avenue; outlined a "tourist accommodation" that is allowed through the Special Use Permit of our code and noted the following: zoning; two access points with a drive to the east and an exist on the west; there is a large shop for private use; parking spaces are available next to the shop with sufficient space for three cars; surrounding land use is single family but there is one pre-existing non-conforming use; the subject property meets all set-backs and lot size requirements; the property is served with public water and sewer; BV Sanitation requested they upgrade their sewer tap but P&Z felt it is sized for four bedrooms and did not propose adding anything different; landscaping is in place with mature trees on the west; no natural hazards are present; the sign meets code requirements. The Comp. Plan

has four policies that were appropriate; outlined the criteria that needs to be met; P&Z recommended approval with the following conditions: the permit does not transfer to another property owner; lighting for the sign shall be limited to a single fixture with no external glare; paying guests must park their vehicles on the property or within the two on-street spaces; applicant must comply with the Town noise ordinance; applicant must come back in one year for additional review; the permit can be rescinded for good cause and staff recommends approval with conditions as outlined.

Milly Austin, 344 Waters Avenue, gave a brief history of herself and family; picked her home because it was quiet and is on premises all the time; the home has three rooms for one night lodging; wants to keep property neat and clean; the neighbors know she is quiet and a good neighbor and was available for questions.

Trustee Baker opened the public comment portion of the hearing at 8:11 PM with none received and closed the comment portion of the hearing.

Discussion held on lighting on the sign all night could cause problems for the neighbors and parking of trailers on the street could be an issue; if guests come late Milly would leave the light on and if they were all checked-in she would turn it off; two letters were received from neighboring property owners.

Evelyn Baker, 520 Arizona, Chair of P&Z, noted P&Z spent considerable time on the application since they were setting precedent in an R1 Zone; the Special Use is for one year so both parties can come back with any issues that may arise; parking on the street was added at the last minute; it would not be fair to incur bringing in an appraiser to determine increase/decrease of property values.

- Should the Board approve adoption of Resolution #41, Series 2010, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SPECIAL USE PERMIT FOR MILLY AUSTIN, 344 WATERS AVENUE, TO ALLOW A TOURIST ACCOMMODATION IN A PRIVATE RESIDENCE INCLUSIVE OF A BED AND BREAKFAST ON LOT 4 OF THE SCHOEDEL SUBDIVISION, SAID PARCEL BEING LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF BUENA VISTA, COLORADO**”?

**Motion #5** by Trustee Nyberg, seconded by Trustee Lacy, to approve Resolution #41, Series 2010. Motion carried. Trustee Steinauer was opposed.

A recess was taken from 8:20 PM to 8:24 PM.

## **NEW BUSINESS**

Attorney Jeff Parker noted the Board can appoint the Mayor Pro Tem as well as the Mayor; they can appoint a member of the Town Board as Mayor which is a separate seat and that Board member would need to resign their seat or they can appoint someone from outside the Board who wants to serve.

## **DISCUSSION OF APPOINTMENT OF MAYOR**

Discussion held on the Mayor being appointed as the first item; Trustee Steinauer expressed that Trustee Flint indicated others were interested in serving but no letters have come in.

**Motion #6** by Trustee Nyberg, seconded by Trustee Carey, to appoint Joel Benson as Mayor. Motion carried.

Town Clerk Spomer administered the Oath of Office.

## **APPOINTMENT OF MAYOR PRO TEM**

**Motion #7** by Trustee Lacy, seconded by Trustee Carey, to appoint Keith Baker as Mayor pro Tem. Motion carried.

### **DISCUSSION OF THE BLUE HOLE AVIATION PROPOSAL**

Trustee Lacy noted this was addressed a few weeks ago and after talking to Jeff Parker, actions will take a little longer than we hoped; when we took our first dollar it meant we could not close the airport and the rules we have to abide by are State and Federal rules; we have a proposal from a management company and hoped we could address more tonight but it has to be put out a little longer or the Trustees could hold a Special Meeting. Attorney Parker noted this item wasn't on the agenda 24 hrs. in advance and there is also a purchasing policy that requires competitive bidding; noted the Trustees can approve a contract if it is over \$10,000 provided it is in the public interest and not competitive bidding and at the recommendation of the Town Administrator.

Trustee Lacy expressed it is in the public interest, there are differences, it is hard to say how far apart the two proposals are; felt it needs to be done as soon as possible; this proposal will save us \$50,000 per year and is more than what is being proposed without loss of services and income; with proposed changes we'll see a loss of both and a loss of marketing the airport; this proposal will be pulled the end of the week and with a weak economy did not feel anyone would come forward to submit their proposal.

Town Administrator Sue Boyd referenced a resolution approved by the Board at the last meeting to request proposals and the process has been initiated per the Airport Commission recommendation.

Bob Johnson, 16177 CR 350, expressed that the dates for acceptance of the proposal were moved up to take advantage of not having to pay another 11% for another year (has to be done before May 1); he has another offer on the table and has to make a decision to stay here and make it work the next 5 years or take another position elsewhere; is willing to stay if an offer is made; noted we lost flight testing and if he gets this online he can make things work.

Discussion followed on a fixed sum was proposed with Blue Hole with a "cursory review" and not detailed; the agreement is a draft and needs to be a Town agreement; Trustee Steinauer offered that there will not be a lack of continuity at the airport, the Airport Commission did what they needed to do to lower losses immediately and felt the FBO was the route to go at the last meeting, felt we should not rush into it but take the time to find someone that can handle the job; needs to be bid upon since it is over \$10,000; what would the residents think about the decision; saving \$18,000 up until August with reduced staffing; Blue Hole's proposal would do moving and snow plowing for \$85,000 annually but a lot of costs would remain with the Town; not everything can be reviewed thoroughly in three days and be "justified"; doing what is good for the Town, making the right decision and it is not about personalities but about dollars, sense and money; moving forward with the proposal without losing summer revenue.

Lee Lechner, 30946 CR 356, member of the Airport Commission, objected strongly that this discussion was occurring; felt individuals need to be on the discussion and public input process; people come to Buena Vista because of the community and they will continue to come regardless of services; part-time support will not hurt the cost savings; there needs to be time for competition to get the best FBO; work through the agreements so in the future we do not have similar problems as we have now; most of the Blue Hole members are Airport Board members and now they are competing for an FBO contract which is inappropriate; if a deal is made today it should be good next week or the next and asked Council to make a decision that is good for the Town.

Tom Moore, 13931 Maxwell Vista Drive, volunteer for aircraft and pilot owners support network, expressed local concerns of airport management that has been ignored by the Board; advice from local

pilots has been given to the Board in a good faith effort to help the airport be successful and not a burden to the Town; felt until the Airport Board is defined by the Airport Commission their activities should be suspended and asked the Town to start fresh with a new Airport Board with new members.

George Mandes, 8800 Hwy. 24 and Hwy 825, an Alaska resident and owner of a hangar at the airport, gave his aviation background and experience, built a home here because of the airport; felt the airport is what it brings to the Town and what folks will bring here, sees fewer and fewer towns operating aviation businesses; jets do not self serve fuel; citation 10s do not self serve and are prohibited by their off specs; felt doing a deal real quick or Bob will go to Kansas is not practical; asked what the Town is going to do now, making a decision in three days is not prudent and noted summer revenue is important to the Town.

Mic Heynekamp, owner of Eddyline Brewery, opened his restaurant last May and relocated his family to Buena Vista, started looking at BV in 2002 as a base to expand their operation; noted the airport and similar services are important for his operation to expand the restaurant; an FBO in BV fell through and did not know if they were going to place their business here. When we hired Bob services immediately turned around; suggested a one year emergency hire with salary to retain service, savings and continuity of services; felt Bob did a good job, asked Council to make a smart decision, an FBO is right but is not the right climate right now.

Bob Johnson, 16177 CR 350, came to BV three years ago with opinions on what could be corrected and fixed at the airport; it's unfortunate his proposal was not looked at more seriously; what he has given to Council he backed up with paperwork; knows the airport is financially feasible and can make it but cannot make it under the Town as it won't happen fast enough; expressed policy and democracy has put a stop to everything; if the airport is not correctly manned by May 15 he knew what he would lose and could not make it work; noted another airport that has been looking for an FBO for 16 months and cannot find one; the Airport Board has volunteered their time to make the airport the best they can and deserve an apology.

A lengthy discussion followed on the Board adopted a budget of \$190,000 with the intent of looking for a way to not spend that much funding; Blue Hole's proposal was submitted via e-mail to be on the agenda; an Advisory Board is just that and the Trustees make the final decision; can we maintain a salary with Bob Johnson to keep things going; FLSA rules on who can be salary and who gets over time (there is difficulty in exempt from overtime with Bob's position); hire Blue Hole as a consultant at a salary and have time to negotiate; work this out by Friday or put out the RFP. Consensus of the Board was to continue with the RFP for an FBO.

Should the Board approve adoption of Resolution #52, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, RE-APPOINTING TOWN OFFICERS**"?

**Motion #8** by Trustee Steinauer, seconded by Trustee Baker, to appoint Sue Boyd as Town Administrator. Motion carried. Trustees Carey and Lacy voted nay

**Motion #9** by Trustee Baker, seconded by Trustee Nyberg, to appoint Jeff Parker as Town Attorney. Motion carried.

**Motion #10** by Trustee Nyberg, seconded by Trustee Baker, to appoint Neil Reynolds as Municipal Court Judge. Motion carried. Trustee Carey voted nay.

**Motion #11** by Trustee Baker, seconded by Trustee Steinauer, to appoint Diane Spomer as Town Clerk. Motion carried.

**Motion #12** by Trustee Carey, seconded by Trustee Baker, to appoint Christine DeChristopher as Town Treasurer. Motion carried. Trustees Nyberg and Lacy voted nay.

One resolution will be prepared with a record of the votes.

### **DISCUSSION OF THE TOWN POLICY REGARDING PATROL VEHICLES AND POLICE OFFICER RESIDENCE REQUIREMENTS**

Trustee Nyberg noted that due to economic conditions and the Trustees are in charge of the Town budget, did not feel the two officers in Ranch of Rockies should drive patrol cars home; expressed that Trout Creek Pass in the winter is terrible, summer has heavy traffic and wildlife; the probability of hitting an animal on the pass is off the chart; felt it would be irresponsible of the Trustees and the Police Dept. to allow them to take the cars home and it makes no sense for the taxpayers.

Trustee Carey noted summer traffic is a big thing as well as response time; even with lights and sirens there is nowhere to pull over - you have to go a mile or two to find a spot; roads are bad and slick when it rains; felt the cost of fuel and response time were enough to not allow them to drive the patrol vehicles to Ranch of the Rockies.

Discussion followed on where the officers live; added costs to the taxpayers; town policy is a 20 minute response time; Chief Tidwell outlined the experience of the new officers, all his officers are on call and when they are called out to duty there is a time factor involved with picking up a patrol vehicle from another location; incurring liability if events occur such as speeding or driving in other than normal traffic; how many days the officers are actually on-call; when was the policy of a 20 minute response time approved; costs for gas and wear and tear should not be absorbed by the Town; one officer lives in Nathro. It was decided to look at other policy options and direction for these two officers and this item will be brought back.

### **SHOULD THE BOARD APPROVE A REQUEST FOR A WAIVER OF THE APPLICATION FEE FOR A SIGN PERMIT AND LICENSING AGREEMENT, BUENA VISTA HIGH SCHOOL, APPLICANT**

**Motion #13** by Trustee Lacy, seconded by Trustee Nyberg, to approve the waiver request for the Buena Vista High School. Motion carried.

Should the Board approve adoption of Resolution #53, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND APPROVING A LICENSE AGREEMENT FOR THE PLACEMENT OF A SIGN ON TOWN PROPERTY ADJACENT TO 559 SOUTH RAILROAD STREET**"?

**Motion #14** by Trustee Lacy, seconded by Trustee Carey, to approve Resolution #53, Series 2010. Motion carried.

### **SHOULD THE BOARD CONSIDER A REQUEST FOR AN APPEAL ON A DENIAL FOR A TEMPORARY USE PERMIT BY THE TOWN ADMINISTRATOR TO ALLOW CAMPING AT 503 GREGG DRIVE, KODI RAFTING APPLICANT**

Town Planner Haydin outlined the request from KODI Rafting to allow camping for employees on a temporary basis; noted a Temporary Use is defined in our code and allowed if it is based on certain criteria and on a temporary basis; there are other rafting companies that allow camping in Town for a long time; the BLM recently decided to enforce their camping policies and they cannot camp on their land nor on Joe Coggin's property; the rafting companies provide economic benefit to the valley and the season is starting soon and the County is also struggling with this issue. The proposed site is on Gregg Drive and

is a warehouse and office in an industrial area; they will be using water and electric from In Floor (a company nearby); a 60' access easement was created along Ron Southard's property, if Ron has an issue with the way access is being managed it becomes a civil issue between the two property owners; there are no sidewalks with no pedestrian access; the property is served with water and sewer through the warehouse; there is sufficient area for parking but should be a designated area; transient workers come in to Town every spring with no affordable housing and these workers have an economic benefit to the Town.

Christian Campton, 403 Pitkin Street, Frisco, added that Arkansas Headwaters wanted to put something together; he met with HRA staff, Don Reimer, Commissioner Giese and another member of Fremont County Planning who have the same issues and worked through them in a positive way; Commissioner Giese told Christian that if they satisfied three things it should be OK (garbage, human waste and potable water); this proposal covers campground rules, 5 MPH on the road; adjoining property owners are OK with the proposed temporary use; wants to work out something more concrete in the fall and requested the approval of his Temporary Use request.

Discussion held on Joe Coggin will enforce campground rules; John Coggin said "no more" two years ago; Christian placed a call to Ron Southard and has not heard back from him about access; Ron Southard did not know the access was on his property. Staff recommended approval without the condition about contacting Ron Southard.

**Motion #15** by Trustee Nyberg, seconded by Trustee Carey, to approve KODI Rafting's request for a temporary permit to camp S. of Town as amended. Motion carried. Trustee Steinauer voted against.

#### **PRESENTATION REGARDING AIRPORT WEATHER SYSTEM, MAL SILLARS**

Mal Sillars, 129 Baylor, presented Buena Vista's weather data collection that takes care of active weather and climatology and defined each; in 1997 Cal Anderson starting getting equipment to read weather, several got certified to observe weather and to call it into the National Weather Service that got tagged in to the Leadville report; after 2000 the AWOS was installed with monitors in the terminal and you could get data by radio if flying but there was no way to get data out of the valley; Colorado was picked as the State to put a system together to connect all the non-federal AWOS systems to be uploaded and that has not happened; now the data is being uploaded to the National Airspace State Interchange Network; pilots can call anywhere in the Country and get our weather conditions; we are trying to get live BV data; we still take daily high/low and precipitation; we are now being asked to automate the climatic. The National Weather Service came to us last summer about a unit that will be placed by the AWOS to allow better rain gauge reception and cuts down on the wind; temp. of high/low goes to satellite and to the National Weather Service which will be discussed with the next agenda item.

#### **Should the Board approve adoption of Resolution #54, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING EXECUTION OF A LICENSE AGREEMENT WITH THE NATIONAL WEATHER SERVICE"?**

Sue Boyd noted we do not have a resolution but this can be done by motion; the License Agreement was provided by the Weather Service; Jeff reviewed the agreement and had a few changes. Jeff noted a change of the entity to Town of Buena Vista with the address change also; noted Council can approve in substantially the form presented and staff can find out if the changes are acceptable to the US Government; this system will replace Cal and Mal and what they do; they are willing to be replaced and this is an honor to be getting to this level; the approval for the maintenance of the AWOS system was the first step and this is the next step.

**Motion #16** by Trustee Lacy, seconded by Trustee Nyberg, to approve the agreement with the change of the Town of Buena Vista being substituted for the Colorado Regional Airport and in substantially the form presented. Motion carried.



Should the Board approve adoption of Resolution #55, Series 2010, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING MEMBERS TO THE AIRPORT COMMISSION”**?

Administrator Boyd noted this came out of the discussion from the last meeting, the members want to be authorized to be extended to August 31 to follow through on the RFP for an FBO selection process and work on hangar development; there are a few changes due to a variety of changes the last few weeks. Mal Sillars at the last meeting indicated they were part of the Blue Hole and he had a conflict but is subject to discussion.

Discussion held on this is the same Commission with a few changes in members.

**Motion #17** by Trustee Baker, seconded by Trustee Nyberg, to approve Resolution #55, Series 2010. Motion carried.

### **DISCUSSION REGARDING ROLES AND RESPONSIBILITIES OF THE AIRPORT BOARD**

Sue Boyd referenced her memo and “draft roles and responsibilities”, describe events over the last few months and asked for direction from the Board on what the roles and responsibilities are.

Discussion followed on why is the Board there - they are ignored; Trustee Lacy felt there are a lot of items that go ignored that they recommend; Sue noted the Airport Commission looked at the “draft” roles & responsibilities and nothing is policy or otherwise but is just an effort on what they can do; the Airport Board has seen copies of the proposed roles & responsibilities but have not taken any action on it; the draft needs to go before both Boards and brought back with recommendations and a focus of codifying.

Should the Board approve adoption of Resolution #56, Series 2010, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE RENEWAL OF THE AIRPORT LIABILITY INSURANCE BETWEEN THE TOWN OF BUENA VISTA AND AIG”**?

**Motion #18** by Trustee Steinauer, seconded by Trustee Baker, to approve Resolution #56. Motion carried

Should the Board approve adoption of Resolution #57, Series 2010, entitled **“A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING THE 2010 AVIATION GRANT FOR THE PURCHASE OF A SNOW PLOW FOR THE CENTRAL COLORADO REGIONAL AIRPORT”**?

Christine DeChristopher noted this is the CDOT Grant we put in for last fall and we now have the grant agreement for \$64,000 with a Town match of \$16,000 to buy a snow plow through the bidding process and we have until 2013 to do this.

**Motion #19** by Trustee Lacy, seconded by Trustee Nyberg, to approve Resolution #57, Series 2010. Discussion held on page 42 and the Town having the records (yes. Roll call vote: Nyberg-aye, Lacy-aye, Baker-aye, Carey-aye. Motion carried. Trustee Steinauer was not present for the vote.

### **DISCUSSION OF THE AIRPORT LAYOUT PLAN AND RFP FOR AN FBO AT THE CENTRAL COLORADO REGIONAL AIRPORT**

Sue Boyd stated the RFP is still in progress with hopes of going out this week; presented a draft dated April 25, 2010; every effort is being made to make it the best marketing document possible; we then enter into an agreement with a selected party to lease to them equipment the Town owns and space at the terminal building with access to provide services the Town seeks. Sue noted the RFP calls for an FBO to pay a flowage fee and create an incentive for the entity to increase fuel sales and thus less they pay to the Town for the fuel farm, has a graduated lease payment and the party would pay a minimal amount for leasing equipment and requests that the proposers submit an annual operating fee that may incorporate the cost of the lease.

Discussion held on getting an endorsement on the concept; get proposals and negotiate an agreement; dates were designed to be aggressive and realistic. General consensus was approval of the RFP and staff will proceed.

Sue noted the Commission discussed the airport layout plan and ground lease package; the general sense is that the current layout plan has large parcels in a tight space and this is not the best choice for long-term development; suggestions were made that some parcels north of the fuel farm are not the best way to proceed with development and the engineer was concerned about this in the beginning; both entities that indicated interest said they never intended to do anything before 2011 or are not real clear; consensus was to keep the parcel that Mr. Mandes wanted to build a new hangar on so the Town could acquire the existing hangar – Mr. Mandes is still interested; an existing row hangar did not make sense but options to develop more spaces down the runway would be the logical way to develop the airport over time. These items will go before the Airport Board.

#### **DISCUSSION AND APPROVAL OF A PUBLIC HEARING NOTICE REGARDING THE PROPOSED ADOPTION OF THE RULES AND REGULATIONS FOR THE CENTRAL COLORADO REGIONAL AIRPORT**

Sue Boyd stated the Airport Board has been struggling with issues of enforcement of Rules and Regulations; they met last year with the Consultant who suggested codifying the Rules and Regulations and advised that approval of the notice has to be done first since it is adoption by reference at a Public Hearing; the proposed code will be reviewed by the Airport Board on Monday.

**Motion #20** by Trustee Baker, seconded by Trustee Lacy, to approve the Public Hearing Notice regarding the proposed adoption of the Rules and Regulations for the Central Colorado Regional Airport.

Trustee Baker amended his motion, seconded by Trustee Lacy, to include the hearing date of May 25, 2010. Motion carried.

#### **DISCUSSION OF THE CIVIL ENGINEERING RFP**

Town Administrator Boyd noted discussions were held to rebid a proposal for the civil engineering contract which predated the decision to hire a Town Engineer; a request earlier this year was to delay this and allow time to figure out what the Town Engineer would do so an RFP for a civil engineer contract would complement that capacity; developers had a concern of the high cost of reviewing their proposals as the town engineering was done through the civil engineer contract. Rachel Friedman provided information on what the Town has been able to do with this position. Mayor Benson added that developers were disgruntled with the cost and there were discussions that SGM may have been fine but a review once in awhile is good; two years ago a motion as made to put out an RFP

Discussion followed on hiring Rachel accomplishes what Council was trying to do a few years ago (specify what the civil engineer would do); when the scope or size of the project is beyond what we can handle we can engage an engineering firm and would be on a project by project basis. Examples were presented on what a civil engineer could provide.

Should the Board approve adoption of Resolution #58, Series 2010, entitled “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUNA VISTA, COLORADO, AWARDED THE BID AND APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH BONNEVILLE ASPHALT & REPAIR LLC FOR THE CRACK SEAL PROJECT**”?

Roy Gertson noted they advertised for the NW and SW quadrants of Town; the lowest bidder was Bonneville Asphalt at a total of \$19,500; staff checked references and recommends Bonneville Asphalt for the crack seal project. Jeff Parker noted a liability agreement that can be deleted from the contract (Section 6, 3 (d)).

**Motion #21** by Trustee Baker, seconded by Trustee Nyberg, to approve Resolution #58 awarding the contract to Bonneville as amended. Roll call vote: Nyberg-aye, Lacy-aye, Carey-aye, Baker-aye, Steinauer-aye. Motion carried.

## **STAFF REPORTS**

### **TOWN ADMINISTRATOR**

Administrator Boyd had the following items to cover:

- I received a call from the Census group, we were only one town that had an increase in the initial response to the Census.
- Public meetings are scheduled for community feed-back on ideas for the Park Master Plan process.
- We will e-mail the NIMS training date to everyone.
- The Intergovernmental meeting regarding County Wide Sales Tax for either April 28 or May 3 will not work and they are still looking for a date.
- The Acceptance of infrastructure was put on the consent agenda to formalize a process

### **AIRPORT MANAGEMENT**

Administrator Boyd had the following items to cover:

- The terminal renovation is nearing completion except for the elevator.
- The ground lease fee may be a little high and we are doing more market research; we had some volunteers provide some of the information.
- An agreement to put web cameras on the terminal building will be on the next agenda.
- The Mandes Hanger was discussed and needs to be incorporated into the Airport Capital Improvement Plan or we are not eligible for funding; the FAA will not fund acquisition of a hanger but can do funding for equipment storage.
- We have been working with all the players to work on solutions to some problems; Mr. Mandes was fully engaged with working with Mr. Heyenkamp on getting his plane out of the hangar.

### **TOWN TREASURER**

- The RFP for tree carving was issued; five people do the carving; we sent out e-mails and one responded who is not interested but we are hopeful of getting some proposals.
- We are advertising for a Fire Inspector
- The Rocks & Ropes project will have a delivery date of May 19
- Trustee Baker asked about the payment to Hart Intercivic. Town Clerk Spomer noted it was for election costs.
- Clarification was needed for a payment to Marilee Langhoff. Town Administrator Boyd noted it was for a special investigation.
- Christine distributed the budget status report for discussion at the next meeting and stated she can include any additional information received from the Board.
- There is a need for new signatories on the checking accounts with the appointment of a new Mayor and Mayor Pro Tem; Resolution #9, 2009, named the Mayor and Mayor Pro Tem and asked Attorney Jeff Parker for input. Jeff advised a motion can be made to amend the original Resolution.

**Motion #22** by Trustee Steinauer, seconded by Trustee Nyberg, to amend Resolution #9, 2009, by designating Mayor Joel Benson and Mayor Pro Tem Keith Baker as signers for the Town checking accounts. Motion carried.

### **TOWN PLANNER**

- Town Planner Haydin asked if Council wanted vacation rentals to be prohibited in Town - issues are occurring consistently. Discussion held on S. Main is allowed to do them through their PUD. This item will be discussed at the next meeting.

### **TRUSTEE/STAFF INTERACTION**

- Trustee Lacy asked about a Joint Work Session date –Sue will be discussing this at the next Administrators meeting.
- Rachel Friedman asked if Council wanted her to continue working on an energy grant for Governor's Office for replacing lights on E. Main with LED, there is a limit of \$12,500 and the Town can match; requirements are that it be "new" in the area but Sangre De Cristo is doing this and we may not qualify; costs from Sangre De Cristo will save \$1/light but it costs \$1800 per light to replace. Council did not wish to pursue the grant.

A recess was taken from 11:42 pm to 11:45 PM.

### **EXECUTIVE SESSION - FOR A CONFERENCE WITH THE TOWN ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402 (4) (B) TO DISCUSS THE CAREY V. BUENA VISTA LITIGATION RELATING TO THE MEADOWS ANNEXATION REFERENDUM PETITION**

**Motion #23** by Trustee Lacy, seconded by Trustee Baker, to enter into Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402 (4) (b) to discuss the Carey v. Buena Vista litigation relating to the Meadows Annexation referendum petition. Motion carried. Those present for Executive Session were Mayor Joel Benson, Trustees Duff Lacy, Jerry Steinauer, Keith Baker, Norm Nyberg, Town Administrator Sue Boyd and Town Attorney Jeff Parker. Trustee Carey left the meeting at 11:40 PM.

Executive Session was held from 11:45 PM to 12:07 AM.

**Motion #24** by Trustee Baker, seconded by Trustee Steinauer, to adjourn back to regular session. Motion carried.

### **ADJOURNMENT**

**Motion #25** by Trustee Baker, seconded by Trustee Lacy, noting that there being no further business to come before the Board declared that the meeting be adjourned at 12:07 AM. Motion carried.

Respectfully submitted:

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Mayor, Joel Benson

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Town Clerk, Diane Spomer